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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVEN T. MARVIK, } Case No. 3:11-cv-00655-ECR-WGC
Plaintiff, }
vs. } ORDER
DR. NEIGHBORS, et al., }
Defendants. }

On October 13, 2011, the Magistrate Judge filed a Report and Recommendation (#6) recommending that Plaintiff's motion to proceed in forma pauperis (#3) be granted; that Plaintiff's Eighth Amendment deliberate indifference to medical needs claim proceed as to Defendants Neighbors, Durante, Pierson, and Oksonhald; that all other federal claims be denied; that Plaintiff's assertion of criminal claims for abuse of state power, fraud, perjury and conspiracy be dismissed with prejudice; and that Plaintiff's state law claims for conspiracy, medical malpractice, fraudulent misrepresentation be dismissed without prejudice.

No objection was timely filed by Plaintiff.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's Report and Recommendation (#6) is well taken and is **APPROVED** and **ADOPTED**.

IT IS ORDERED that Plaintiff's request (#3) to proceed in forma

1 pauperis is **GRANTED**. Plaintiff's second motion (#7) to proceed in forma
2 pauperis is denied as moot.

3 **IT IS THEREFORE ORDERED** that the Clerk of the Court shall file the
4 Complaint (#1-1).

5 **IT IS FURTHER ORDERED** that the claims for abuse of state power
6 and criminal claims of fraud perjury, and conspiracy are dismissed with
7 prejudice and shall not be included in the amended complaint. Plaintiff's state
8 law claims for civil conspiracy, medical malpractice and fraudulent
9 misrepresentation are dismissed without prejudice, and Plaintiff may include
10 these claims in the amended complaint.

11 **IT IS FURTHER ORDERED** that Plaintiff's motion (#9) to file an
12 amended complaint is **GRANTED**. Plaintiff shall have 30 days from the date of
13 this order in which to file his amended complaint in accordance with the
14 guidance provided herein and by the Report and Recommendation (#6). **IT IS**
15 **ORDERED** that, if specifically alleged in the amended complaint, the Eighth
16 Amendment deliberate indifference to medical needs claim shall proceed as to
17 Defendants Neighbors, Durante, Pierson, and Oksonhald.

18 **IT IS ORDERED** that Plaintiff's motion to exceed the page limit (#8) for
19 the amended complaint is **GRANTED** on the following basis. The amended
20 complaint shall not exceed 30 pages.

21 **IT IS ORDERED** that the Clerk shall send a blank section 1983 civil
22 rights complaint form with instructions along with one copy of the original
23 complaint to Plaintiff.

24 Dated this 5th day of January 2012.

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EDWARD C. REED, JR.
United States District Judge